

REMARKS

This is in full and timely response to the Office Action mailed on June 4, 2004. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-10 are currently pending in this application, with claims 1 and 5 being independent. No new matter has been added.

Title objection

While not conceding the propriety of this rejection and in order to advance the prosecution of the above-identified application, the title have been amended in the manner requested. Withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. §112

While not conceding the propriety of this rejection and in order to advance the prosecution of the above-identified application, the claims have been amended. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 1-2, 4, 6, and 8 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 6,044,257 to Boling et al. (Boling).

Claims 7 and 9 were rejected under 35 U.S.C. §103 as unpatentable over Boling in view of U.S. Patent No. 6,459,371 to Pike.

Claim 3 was rejected under 35 U.S.C. §103 as unpatentable over Boling in view of U.S. Patent No. 5,606,305 to Jan.

These rejections are traversed at least for the following reasons.

Claim 1 and the claims dependent thereon include the features of:

an extra push button for telephoning police, fire stations or security companies arranged at a predetermined position on its body and slightly recessed from a surface of the body, the extra push button colored differently than the plurality of push buttons; a cover as a safety lock arranged to cover the extra button for preventing inadvertent depression; and

a GPS function installed therein for informing the police, fire stations or security companies of instantaneous location of telephoner.

Boling arguably teaches a panic button phone used exclusively for emergency calls that is provided with a flip top cover 14 rotatable on hinges 16, and a single large panic button 20 arranged approximately at a center of a rigid housing 12 under the flip top cover 14, as shown in figures 1-3. For using the panic button, the flip top cover 14 is opened after a latch 15 is pressed to be disengaged, and then the large panic button 20 is pressed, which calls the emergency response center personnel. The flip top cover 14 is not broken for pushing the button 20.

On the other hand, the subject matter of claims of the present invention is a cellular phone, i.e., which is not exclusively used for emergency calls but also for calling every telephone which the user would like to call.

The cellular phone according to claim 1 has a plurality of push buttons, an extra push button provided additionally to the plurality of push buttons, and a cover for preventing the extra push button from inadvertently being pushed. Since the extra push button cannot be pushed without breaking the cover, the cover is pushed to be broken for pushing the extra push button. Just after pushing to break the cover, the pushing should reach the extra push button, whereby the extra push button is depressed almost at the same time of pushing to break the cover.

Additionally, the extra push button of the present invention is slightly recessed from the surface of the phone body and colored differently than the plurality of push buttons. Accordingly, the extra push button can easily be distinguished from any of the plurality of push buttons. On the other hand, in Boling, it is not required for the single button to be distinguished, since the phone has no other buttons.

As stated above, the phone according to the present invention are quite different from the phone of Boling in several points of structure and functions explained above.

Furthermore, since the phone of Boling is a panic button phone for exclusive use of emergency calls, the user should wear all the time both the panic button phone and another cellular phone, for both functions of emergency call and ordinary phone call. On the other hand, since the phone according to the present invention functions as both an ordinary cellular phone and an emergency call phone, no other device is required for the functions, which is one of the objects of the present invention, as suggested in the present specification, from page 1, line 29 to page 2, line 12. The present invention is *quite* different from Boling in the viewpoint of objects and effects.

Pike arguably teaches a locating device and Jan arguably teaches an ultra-sonic dog-expelling device. Yet, Pike or Jan fails to provide the above-noted features that are deficient from within Boling.

From the viewpoint above, it should be understood that the present invention defined in claim 1 is not taught, disclosed or suggested by Boling, Pike and Jan, either individually or as a whole. Additionally, it would have not been obvious to reach the present invention defined in claim 1 by combining Boling with Pike or Jan, since they are quite different from each other in the structure, function, object and effect.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Claim 5 was rejected under 35 U.S.C. §103 as unpatentable over Boling in view of U.S. Patent No. 6,532,360 to Shaffer.

This rejection is traversed at least for the following reasons.

Claim 5 and the claims dependent thereon include the features of:

an extra push button for telephoning police, fire stations or security companies arranged at a predetermined position on its body, the push button having a cover as a safety lock for preventing inadvertent depression;

a GPS function installed therein for informing the police, fire stations or security companies of instantaneous location of the telephoner; and

an automatic recording function for recording on-the-spot suffering situation or sufferings in the form of sound in real time.

Shaffer arguably teaches a mobile security system with cellular transceiver, position reporting and remote actuation that is used in an automobile and as a replacement or substitute of a GPS device (column 1, lines 59-67), while the cellular phone of the present invention has a GPS function. In Shaffer, a pre-recorded message is transmitted, or the vehicle user establishes direct two-way communication with an emergency operator. Shaffer has no disclosure or suggestion of a function for automatically recording on-the-spot suffering situation or sufferings in the form of sound in real time, while the function is included as a feature in independent claim 5 of the present invention. Therefore, it would have not been obvious to reach the present invention by combining Boling and Shaffer, since the automatic recording function is not disclosed or suggested in any of the references cited.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

By  

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